

NINETY-EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 1CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Schimek, 27

Read first time January 9, 2003

Committee: Executive Board

1           THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA,  
2 FIRST SESSION, RESOLVE THAT:

3           Section 1. At the general election in November 2004 the  
4 following proposed amendment to the Constitution of Nebraska shall  
5 be submitted to the electors of the State of Nebraska for approval  
6 or rejection:

7           To amend Article III, sections 1, 5, 6, 7, 10, 11, 12,  
8 13, 14, 17, 22, and 27:

9           III-1 "The legislative authority of the state shall be  
10 vested in a Legislature consisting of ~~one chamber~~ a Senate and a  
11 House of Representatives as provided in this article. The people  
12 reserve for themselves the power to propose laws and amendments to  
13 the Constitution and to enact or reject the same at the polls,  
14 independent of the Legislature, which power shall be called the  
15 power of initiative. The people also reserve power at their own  
16 option to approve or reject at the polls any act, item, section, or  
17 part of any act passed by the Legislature, which power shall be

1 called the power of referendum."

2 III-5 "The Legislature shall by law determine the number  
3 of members to be elected and divide the state into legislative  
4 districts.

5 In the creation of such districts, any county that  
6 contains population sufficient to entitle it to two or more ~~members~~  
7 ~~of the Legislature~~ senators shall be divided into separate and  
8 distinct legislative districts, as nearly equal in population as  
9 may be and composed of contiguous and compact territory. One  
10 member of the ~~Legislature~~ Senate shall be elected from each ~~such~~  
11 district, and two members of the House of Representatives shall be  
12 elected from each district. The basis of apportionment shall be  
13 the population excluding aliens, as shown by the next preceding  
14 federal census. The Legislature shall redistrict the state after  
15 each federal decennial census. In any such redistricting, county  
16 lines shall be followed whenever practicable, but other established  
17 lines may be followed at the discretion of the Legislature."

18 III-6 "The Legislature shall consist of ~~not more than~~  
19 ~~fifty members and not less than thirty~~ the Senate composed of not  
20 more than thirty-one members and the House of Representatives  
21 composed of not more than sixty-two members. The sessions of the  
22 Legislature shall be annual except as otherwise provided by this  
23 constitution or as may be otherwise provided by law."

24 III-7 "At the general election to be held in November  
25 ~~1964~~ 2006, one-half the members of the ~~Legislature~~ Senate and  
26 one-half the members of the House of Representatives, or as nearly  
27 thereto as may be practicable, shall be elected for a term of four  
28 years and the remainder for a term of two years, and thereafter all

1 members shall be elected for a term of four years, with the manner  
2 of such election to be determined by the Legislature. The  
3 Legislature as constituted as of the general election in November  
4 2004 and the terms of the members elected at such election  
5 terminate as of the beginning of the terms of members of the  
6 Legislature elected in November 2006.

7           When the Legislature is redistricted, the members elected  
8 prior to the redistricting shall continue in office, and the law  
9 providing for such redistricting shall where necessary specify the  
10 newly established district which they shall represent for the  
11 balance of their term. Each member shall be nominated and elected  
12 in a nonpartisan manner and without any indication on the ballot  
13 that he or she is affiliated with or endorsed by any political  
14 party or organization.

15           Each member of the Legislature shall receive a salary of  
16 not to exceed one thousand dollars per month during the term of his  
17 or her office. In addition to his or her salary, each member shall  
18 receive an amount equal to his or her actual expenses in traveling  
19 by the most usual route once to and returning from each regular or  
20 special session of the Legislature. Members of the Legislature  
21 shall receive no pay nor perquisites other than his or her salary  
22 and expenses, and employees of the Legislature shall receive no  
23 compensation other than their salary or per diem."

24           III-10 "Regular Beginning with the year 1975, regular  
25 sessions of the Legislature shall be held annually, commencing at  
26 10 a.m. on the first Wednesday after the first Monday in January of  
27 each year. The duration of regular sessions held shall not exceed  
28 ninety legislative days in odd-numbered years unless extended by a

1 vote of four-fifths of all the members elected to the Legislature  
2 in each house, and shall not exceed sixty legislative days in  
3 even-numbered years unless extended by a vote of four-fifths of all  
4 the members elected to the Legislature in each house. Bills and  
5 resolutions under consideration by the Legislature upon adjournment  
6 of a regular session held in an odd-numbered year may be considered  
7 at the next regular session, as if there had been no such  
8 adjournment. Neither house shall adjourn for more than three days  
9 without the consent of the other house.

10 The Lieutenant Governor shall preside in the Senate, but  
11 shall vote only when the Legislature Senate is equally divided. A  
12 majority of ~~the~~ all members ~~elected to the Legislature~~ shall  
13 constitute a quorum in each house, and the members of each house ~~+~~  
14 ~~the Legislature~~ shall determine the rules of its proceedings, shall  
15 ~~and~~ be the judge of the election, returns, and qualifications of  
16 its members, and shall choose its own officers. The Senate shall  
17 choose a President pro tempore, including a Speaker to preside when  
18 the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall~~  
19 ~~act~~ acting as Governor. The Secretary of State shall call the  
20 House of Representatives to order at the opening of each new  
21 Legislature and preside until a Speaker is chosen.

22 No member shall be expelled by either house except by a  
23 vote of two-thirds of all members ~~elected to the Legislature in the~~  
24 respective house, and no member shall be twice expelled for the  
25 same offense. The Legislature may punish by imprisonment any  
26 person not a member thereof who ~~shall be~~ is guilty of disrespect to  
27 the Legislature by disorderly or contemptuous behavior in its  
28 presence, but no such imprisonment shall extend beyond twenty-four

1 hours at one time, unless the person ~~shall persist~~ persists in such  
2 disorderly or contemptuous behavior."

3           III-11 "Both the Senate and the House of Representatives  
4 ~~The Legislature~~ shall keep a journal of its proceedings and publish  
5 them, except such parts as may require secrecy, and the yeas and  
6 nays of the members on any question shall at the desire of any one  
7 of them be entered on the journal. All votes shall be viva voce.  
8 The doors of the Legislature and of the committees of the  
9 Legislature shall be open, except when the business shall be such  
10 as ought to be kept secret. The yeas and nays of each member of  
11 any committee of the Legislature shall be recorded and published on  
12 any question in committee to advance or to indefinitely postpone  
13 any bill."

14           III-12 "(1) No person shall be eligible to serve as a  
15 member of the ~~Legislature~~ Senate for four years next after the  
16 expiration of two consecutive terms regardless of the district  
17 represented. No person shall be eligible to serve as a member of  
18 the House of Representatives for four years next after the  
19 expiration of two consecutive terms regardless of the district  
20 represented.

21           (2) ~~Service prior to January 1, 2001, as a member of the~~  
22 ~~Legislature shall not be counted for the purpose of calculating~~  
23 ~~consecutive terms in subsection (1) of this section.~~

24           ~~(3)~~ For the purpose of this section, service in office  
25 for more than one-half of a term shall be deemed service for a  
26 term."

27           III-13 "The style of all bills shall be, Be it enacted by  
28 the people of the State of Nebraska, and no law shall be enacted

1 except by bill. No bill shall be passed by the Legislature unless  
2 by the assent of a majority of all members of the Senate and a  
3 majority of all members of the House of Representatives, elected  
4 and the yeas and nays on the question of final passage of any bill  
5 shall be entered upon the journal. All bills passed by one house  
6 may be amended by the other house. No amendment to a bill by one  
7 house shall be concurred in by the other house and no conference  
8 committee report as to any bill shall be adopted by either house,  
9 except by the assent of the same number of members as is required  
10 for the passage of the original bill. Any bill may originate in  
11 either house, except that bills appropriating money shall originate  
12 only in the House of Representatives."

13           III-14 "Every bill and resolution shall be read by title  
14 when introduced, and a printed copy thereof provided for the use of  
15 each member of the Legislature. The bill and all amendments  
16 thereto shall be printed and presented before the vote is taken  
17 upon its final passage and shall be read at large in the Senate and  
18 in the House of Representatives unless three-fifths of all the  
19 members ~~elected to the Legislature~~ in the respective house vote not  
20 to read the bill and all amendments at large. No vote upon the  
21 final passage of any bill shall be taken until five legislative  
22 days after its introduction nor until it has been on file for final  
23 reading and passage for at least one legislative day. No bill  
24 shall contain more than one subject, and the subject shall be  
25 clearly expressed in the title. No law shall be amended unless the  
26 new act contains the section or sections as amended and the section  
27 or sections so amended shall be repealed. The ~~Lieutenant Governor,~~  
28 ~~or the Speaker if acting as~~ presiding officer, of each house shall

1 sign, in the presence of the ~~Legislature~~ respective house while it  
2 is in session and capable of transacting business, all bills and  
3 resolutions passed by the Legislature."

4 III-17 "The ~~Legislature~~ Senate and the House of  
5 Representatives in joint session shall have the sole power of  
6 impeachment, but a majority of all of the members of each house  
7 elected must concur. ~~therein.~~ Upon the introduction of a  
8 resolution to impeach by either house, the other house shall at  
9 once be notified, and the two houses shall meet in joint session  
10 for the purpose of acting upon such resolution within three days  
11 after such notification. Proceedings may be initiated in either a  
12 regular session or a special session of the Legislature.

13 Upon the adoption of a resolution of impeachment, which  
14 resolution shall give reasonable notice of the acts or omissions  
15 alleged to constitute impeachable offenses but need not conform to  
16 any particular style, a notice of an impeachment of any officer,  
17 other than a Judge of the Supreme Court, shall be forthwith served  
18 upon the Chief Justice, by the Clerk of the ~~Legislature~~ House of  
19 Representatives, who shall thereupon call a session of the Supreme  
20 Court to meet at the Capitol in an expeditious fashion after such  
21 notice to try the impeachment. A notice of an impeachment of the  
22 Chief Justice or any Judge of the Supreme Court shall be served by  
23 the Clerk of the ~~Legislature~~ House of Representatives, upon the  
24 clerk of the judicial district within which the Capitol is located,  
25 and he or she thereupon shall choose, at random, seven Judges of  
26 the District Court in the State to meet within thirty days at the  
27 Capitol, to sit as a Court to try such impeachment, which Court  
28 shall organize by electing one of its number to preside.

1           The case against the impeached civil officer shall be  
2 brought in the name of the Legislature and shall be managed by ~~two~~  
3 ~~senators~~ one Senator and one Representative, appointed by the  
4 ~~Legislature~~ respective house, who may make technical or procedural  
5 amendments to the articles of impeachment as they deem necessary.  
6 The trial shall be conducted in the manner of a civil proceeding  
7 and the impeached civil officer shall not be allowed to invoke a  
8 privilege against self-incrimination, except as otherwise  
9 applicable in a general civil case. No person shall be convicted  
10 without the concurrence of two-thirds of the members of the Court  
11 of impeachment that clear and convincing evidence exists indicating  
12 that such person is guilty of one or more impeachable offenses, but  
13 judgment in cases of impeachment shall not extend further than  
14 removal from office and disqualification to hold and enjoy any  
15 office of honor, profit, or trust, in this State, but the party  
16 impeached, whether convicted or acquitted, shall nevertheless be  
17 liable to prosecution and punishment according to law. No officer  
18 shall exercise his or her official duties after he or she shall  
19 have been impeached and notified thereof, until he or she shall  
20 have been acquitted."

21           III-22 "Each Legislature shall make appropriations for  
22 the expenses of the Government. And whenever it is deemed  
23 necessary to make further appropriations for deficiencies, the same  
24 shall require a two-thirds vote of all the members ~~elected to the~~  
25 ~~Legislature~~ in each house. Bills making appropriations for the pay  
26 of members and officers of the Legislature, and for the salaries of  
27 the officers of the Government, shall contain no provision on any  
28 other subject."



1                   III-27 "No act shall take effect until three calendar  
2 months after the adjournment of the session at which it passed,  
3 unless in case of emergency, which is expressed in the preamble or  
4 body of the act, ~~the Legislature~~ the Senate and the House of  
5 Representatives shall each by a vote of two-thirds of all the  
6 members of the respective house ~~elected~~ otherwise direct. All laws  
7 shall be published within sixty days after the adjournment of each  
8 session and distributed among the several counties in such manner  
9 as the Legislature may provide.".

10                  Sec. 2. The proposed amendment shall be submitted to the  
11 electors in the manner prescribed by the Constitution of Nebraska,  
12 Article XVI, section 1, with the following ballot language:

13                  "A constitutional amendment to change from a unicameral  
14 to a bicameral legislative system.

15                  For

16                  Against".